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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,077	10/23/2003	Albert Santelli JR.	Fram Trak-9	8311
28581	7590	04/11/2005	EXAMINER	
DUANE MORRIS LLP PO BOX 5203 PRINCETON, NJ 08543-5203			REDMAN, JERRY E	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,077

Applicant(s)

SANTELLI, ALBERT

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,10,12-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,5,9,11,19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/23/03</u> | 6) <input type="checkbox"/> Other: _____ |

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Claims 6 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 1, the applicant recites a sealing assembly for sealing a closure and surface and in claim 6, lines 1 and 2, the applicant clearly and positively recites the closure and surface respectively. If the applicant intends to claim the combination then the applicant must clearly and positively recite the sealing assembly in combination with the closure and surface in the preamble of claim 1. In claim 7, line 1, the applicant recites a sealing assembly for sealing a closure and surface and in claim 12, line 2, the applicant clearly and positively recites the closure, in claim 13, lines 2 and 3, the applicant clearly and positively recites the closure, and in claim 14, lines 1 and 2, the applicant clearly and positively recites the closure and surface respectively. If the applicant intends to claim the combination then the applicant must clearly and positively recite the closure and surface in the preamble of claim 7.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 8, 10, 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fluck. Fluck discloses a sealing assembly (5) comprising a closure

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(9) having an edge, a surface (25), an edge cover (6, i.e., the second member 12 couples the edge cover to the door 9), a flexible seal (23), a coupling arrangement (14 and 22, i.e., the first member) for coupling the seal (23) and the cover (6) together, and two stop members (7 and 8 extend continuously as a flange) protruding beyond the coupling arrangement (14 and 22) to substantially prevent the coupling arrangement (14 and 22) from transmitting a force into the cover when the cover is moved to a closed position and the seal (23) engages the surface (25).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluck in view of applicant's prior art Figures 2A and 2B. All of the elements of the instant invention are discussed in detail above except providing the closure to be an overhead door having a rounded edge with the sealing arrangement contacting a floor surface. The applicant's prior art Figures 2A and 2B discloses an overhead door (18) having rounded edges (20) and the sealing arrangement contacts a floor surface (24). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Fluck with an overhead door having rounded edges to seal a floor surface as taught by applicant's prior art Figures 2A and 2B since an

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overhead door allows the door to be moved out of the way of the opening and the rounded edges allows the seal arrangement to be easily mounted.


Claims 1, 2, 4, 6-8, 10, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art Figures 2A and 2B in view of Fluck. The applicant's prior art Figures 2A and 2B discloses an overhead door (18) having rounded edges (20) and the sealing arrangement contacts a floor surface (24). Applicant's prior art Figures 2A and 2B fails to disclose a seal arrangement having stops. Fluck discloses a sealing assembly (5) comprising a closure (9) having an edge, a surface (25), an edge cover (6, i.e., the second member 12 couples the edge cover to the door 9), a flexible seal (23), a coupling arrangement (14 and 22, i.e., the first member) for coupling the seal (23) and the cover (6) together, and two stop members (7 and 8 extend continuously as a flange) protruding beyond the coupling arrangement (14 and 22) to substantially prevent the coupling arrangement (14 and 22) from transmitting a force into the cover when the clover is moved to a closed position and the seal (23) engages the surface (25). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sealing arrangement of applicant's prior art Figures 2A and 2B with stops as taught by Fluck since the stop protects to flexible seal between opening and closing movements of the closure.

Claims 3, 5, 9, 11, 19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Konle discloses a sealing arrangement (5) comprising an edge cover (38), a flexible seal (48), a coupling arrangement (44), and stop members (64) similar to that of the applicant's invention. U.S. patent to Gregor et al. disclose an overhead door having a rounded edge. U.S. patent to Ruff discloses a sealing arrangement having stop members (48) similar to that of the applicant's invention. U.S. patent to Kunkel discloses a sealing arrangement having stop members (10 and 11) similar to that of the applicant's invention. U.S. patent to Gail discloses stop members (6) similar to that of the applicant's invention. U.S. patent to Uphoff discloses a sealing arrangement having stop members (19) similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120 or 571-272-6835 after 4/9/2005.



Jerry Redman
Primary Examiner